

AMENDMENTS TO THE DRAWINGS:

Please replace FIGS. 1-9 with the attached drawings that are labeled as Replacement Sheets. Annotated Sheets Showing Changes are also attached.

REMARKS

Claims 1-10, 34-45 and 48-52 are pending. Claims 1, 4, 41, 48 and 52 are amended herein. Claims 46-47 are canceled herein.

Claims 1-10, 38, 40-45, 50 and 52 were rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,764,588 ("*Smedley*").

Under 37 CFR § 1.116, Applicant submits this Amendment and respectfully requests reconsideration of all remaining claims. Herein, Applicant makes a bona fide attempt to place the case in condition for allowance by (i) amending the independent claims rejected under § 102(e) over *Smedley* by adding new elements that would render the claims potentially rejectable over *Smedley* only on obviousness grounds, and (ii) concurrently filing a Declaration of Common Ownership to disqualify the *Smedley* reference as prior art under 35 USC § 103(c).

Specifically, Claims 1 and 41 have each been amended to add "feed tube" and "splitter elements". Part 4 of the Final Office Action acknowledged that *Smedley* does not expressly teach the splitter element.

Claim 4 has been amended to add a structural limitation to the "fluidization apparatus" element, so that in the fluidization apparatus, "*an inner diameter of the second end is greater than an inner diameter of the first end.*" Part 4 of the Final Office Action acknowledged that *Smedley* does not expressly teach component diameters, e.g. as recited in Claims 39 and 51. Claim 4 now recites component diameter limitations similar to those of Claims 39 and 51.

Claim 52 has been amended to add a "spout tube" having first and second ends, wherein the second end has a inner diameter greater than the inner diameter of first end. Claim 52 now also recites component diameter limitations similar to those of Claims 39 and 51.

In view of these amendments, the Declaration of Common Ownership, and the Terminal Disclaimer (previously made of record), Applicant submits that the *Smedley* reference is

disqualified as prior art, and requests that the rejections of Claims 1, 4, 41 and 52 be withdrawn. Applicant also requests withdrawal of all corresponding dependent claims.

Claims 34-37, 39, 48-49 and 51 were rejected under 35 USC § 103(a) as being obvious over *Smedley*. In view of the Declaration of Common Ownership, Applicant requests withdrawal of these rejections.

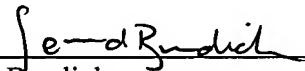
Applicant has amended the Specification to make various corrections of formality that do not add new subject matter. The amendment to the paragraph on p. 11 at ln. 17 is made to improve clarity, and to better describe spout 204 shown in FIG. 3.

The Drawings have been amended by replacing the original informal FIGS. 1-9 with a Replacement set of formal drawing sheets for FIGS. 1-9. Minor corrections have been made to some of the reference numerals to ensure consistency with the Specification, as indicated on the attached Annotated Sheets Showing Changes. No new matter has been added to any drawing.

In view of all of the above, Applicant requests issuance of all remaining claims. Applicant believes no fees are due for filing this response. If any additional fee is in fact due, please charge the same to deposit account no. 19-2814, with reference to Snell & Wilmer docket no. 50534-0400.

Respectfully submitted,

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